

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**JANE DOES 1-3, and 6**, individually and on behalf  
of all others similarly situated,

Plaintiffs,

vs.

No. 2:13-cv-14492  
Hon. Gerald E. Rosen

**THE COLISEUM, Inc.**, et al.,

Defendants.

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**OPINION AND ORDER DENYING PLAINTIFFS' MOTION FOR  
CONDITIONAL CERTIFICATION AND PLAINTIFFS' MOTION FOR  
APPOINTMENT OF INTERIM CLASS COUNSEL**

In this putative class and collective action, Plaintiffs are current and former exotic dancers at adult nightclubs alleging minimum wage violations under the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201, and under Michigan's Minimum Wage Law, M.C.L. § 408.382. Currently before the Court are two motions filed by Plaintiffs: (1) a motion to conditionally certify their FLSA claims pursuant to 29 U.S.C. § 216(b) (Dkt. # 15); and (2) a motion to appoint Megan Bonanni, Kevin J. Stoops, and Jesse L. Young as interim class counsel. (Dkt. # 20). Defendants object to both. (Dkt. ## 39, 40).

The procedural posture of this case necessitates dismissing Plaintiffs' motions without prejudice. After Plaintiffs filed these motions, Defendants moved

to dismiss Plaintiffs' Complaint -- primarily on the grounds that mandatory arbitration provisions preclude judicial adjudication of these claims. (Dkt. # 41). Plaintiffs then amended their Complaint (Dkt. # 43), and Defendants renewed their motion to dismiss. (Dkt. # 56). Briefing has not yet finished on Defendants' motion as the parties have, on three separate occasions, stipulated to extend the briefing schedule. (Dkt. ## 63, 64, 70). At the present moment, Defendants' reply is due by May 19, 2014. Due to the pendency of Defendants' motion to dismiss, the Court finds that Plaintiffs' motions are premature.

For all of the foregoing reasons,

IT IS HEREBY ORDERED that Plaintiffs' Motion for Conditional Certification [Dkt. # 15] is DENIED without prejudice.

IT IS FURTHER ORDERED that Plaintiffs' Motion for Appointment of Interim Class Counsel [Dkt. # 20] is DENIED without prejudice.

**IT IS SO ORDERED.**

Dated: April 30, 2014

s/Gerald E. Rosen

Chief Judge, United States District Court

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 30, 2014, by electronic and/or ordinary mail.

s/Julie Owens

Case Manager, (313) 234-5135